

112**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-6290-2018(O&M)
Date of Decision: 15.10.2018****Vipin Kumar****...Petitioner****Versus****State of Haryana and others****....Respondents****CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Shubham Kaushik, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Mr. Munish Kapila, Advocate
for respondent No. 6.

RAMENDRA JAIN, J. (ORAL)

Through this petition filed under Section 482 Cr.P.C. prayer has been for direction to the respondents to get constituted a Medial Board comprising the doctors of hospital owned and managed by the Government of India, preferably PGI or AIIMS and to get a fair, impartial, transparent and time bound enquiry into the death of deceased Ashanand, who expired on 28.03.2017, due to sheer negligent and careless treatment provided to him by respondent-Aadhaar Health Institute, Hisar, Haryana.

Briefly, father of the petitioner, namely, Ashanand aged around 67 years, who was taking treatment from various doctors, died on 28.03.2017 in Gupta Hospital, Hissar.

The petitioner having suspicion and not satisfied with the treatment given to his father by Aadhar Health Institute, Hisar, filed two complaints about the negligence of the doctor of Aadhar Health Institute, Hisar, i.e. one to Health Minister, Government of Haryana, Chandigarh, and another to Superintendent of Police, Hisar.

Superintendent of Police, Hisar, after getting the matter investigated through the Station House officer, Police Station Sadar, Hisar, referred the matter to Chief Medical Officer, General Hospital, Hisar for investigation in the matter vide letter Annexure P-3A. Since the matter was of medical negligence of the Aadhaar Health Institute, therefore, Civil Surgeon, Hisar, vide Annexure P-4, registered the complaint of the petitioner and constituted an inquiry committee consisting of five doctors, including Principal Medical Officer and Deputy Civil Surgeon, under intimation to the petitioner vide letter Annexure P-5 with a request to him to appear before the said committee on 19.05.2017 along with entire evidence and witnesses available with him.

However, before finalisation of the inquiry by the said committee, the petitioner moved another representation (Annexure P-6) to the Health Minister, Government of Haryana, Chandigarh to ensure the impartiality of the said inquiry committee. The inquiry committee held meetings on 19.05.2017, 01.06.2017 and third meeting was scheduled for 16.06.2017. However, vide letter dated 12.06.2017, the committee sought clarification from the Civil Surgeon, Hisar as to whether third meeting should be held without joining two specialists related to the type

of complaint, as per the notification dated 31.05.2017 of the Haryana Government Health Department. Finally inquiry committee, vide letter dated 13.07.2017 (Annexure P-9), recommended for further inquiry into the complaint of the petitioner from higher institute of Government/PGIMS, Rohtak, where facilities for replacement of knee was available. Pursuant thereto, vide letter dated 25.10.2017 (Annexure P-11), Civil Surgeon, Hisar directed the Superintendent, Maharaja Agrasen Medical College, Agroha, Hisar for conducting inquiry into the complaint of the petitioner and submit inquiry report.

The inquiry committee of Maharaja Agrasen Medical College, Agroha, Hisar sent its report to Civil Surgeon, Hisar, vide forwarding letter dated 18.01.2018, that there was no complication due to surgery to the father of the petitioner. The said inquiry report was further reviewed by the District Medical Negligence Board in the meeting held on 28.03.2018, which reached to its definite conclusion vide decision Annexure R-3 that there was no negligence on the part of Aadhar Hospital, Hisar and its Dr. Vikram Jain-respondent No. 6.

Learned counsel for the petitioner contends that since no specialist was joined in the inquiry committee, who was an expert for the treatment which was given to the deceased father of the petitioner, therefore, the inquiry report (Annexure R-2 colly.) was baseless. The matter requires re-investigation by an inquiry committee consisting of a specialist in the field, for which father of the petitioner was treated.

On the other hand, learned counsel for respondent No. 6 and

learned State counsel refuting the above submissions of the learned counsel for the petitioner contend that the matter has thoroughly been investigated several times. The Medical Negligence Board headed by Civil Surgeon, Hisar, while reviewing the report of Maharaja Agrasen Medical College, Agroha, Hisar dated 18.01.2018 had appointed specialist namely, Dr. Parveen Chawla, Senior Consultant (Orthopadics) as a member, apart from the President, NIMA, Hisar. Therefore no further inquiry is required in the matter.

Having given thoughtful consideration to the rival submissions made by both the sides, this Court is of the view that no further inquiry is required to be conducted in the complaint of the petitioner, in view of the findings of the Medical Negligence Board consisting of specialist namely, Dr. Parveen Chawla, Senior Consultant (Orthopedics) as a member, apart from President, NIMA, Hisar and four more doctors totaling six in numbers, who has specifically opined that there is no negligence on the part of respondent No. 6 Dr. Vikram Jain and Aadhar Health Institute, Hisar, after reviewing the entire medical report of the patient, pertaining to Aadhar Hospital.

In view of the above discussion and observation, this petition is dismissed.

15th October, 2018

shabha

[RAMENDRA JAIN]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No